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8/3/2017

The Honorable Kathleen A. Tomlinson, U.S.M.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re.: Sky Medical Supply, Inc. v. SCS Support Claims Services, Inc., et al., Docket Number
12-CV-6383

Dear Judge Tomlinson,

We submit this letter on behalf of Plaintiff in the above-captioned action to request a three-month extension of the Court's deadline for close of fact discovery from August 7, 2017 to November 7, 2017.

Due to scheduling conflicts, the parties have already stipulated to adjourn several party and non-party depositions beyond the current discovery deadline of August 7, 2017. Therefore this extension is requested to account for the additional time to conduct depositions and any additional discovery resulting from them.

Furthermore, an appeal of the decision, at Docket No. 532, regarding Plaintiff's subpoenas on banks regarding Defendants' bank records is pending, and the subpoenaed banks are awaiting a ruling before issuing responses or releasing documents to Plaintiff. This delay warrants an extension of the discovery schedule, as the documents at issue may lead to further discovery. The Court has previously acknowledged that the outcome of the appeal may affect discovery in this matter by denying without prejudice the parties' discovery motions at Docket Nos. 536, 537 and 538 pending Judge Bianco's decision.

Plaintiff acknowledges that the Court previously indicated it would not extend the discovery timeline any further. However, because discovery disputes are pending and the fact that Judge Bianco already extended the deadline by two weeks due to the pending motion, at Docket No. 26, a further extension is warranted. Plaintiff believes a three-month extension would allow sufficient time for Judge Bianco to issue an order and for the parties to complete all pending discovery.

Plaintiff sent emails to Defendants' attorneys on August 2, 2017 to request an extension, to which Defendant Damian Martins consented. Plaintiff has not received any response to the request from any other Defendants.

The parties have previously sought extensions of the discovery deadlines several times, at Docket Nos. 495, 466, and 408.

This extension, should it be granted, would affect the following already-scheduled dates in this matter, unless otherwise noted:

- The end of fact discovery would be moved from August 7, 2017 to November 7, 2017;
- The August 30 deadline for expert reports and disclosure would be moved to November 30;
- The October 16 deadline for rebuttal reports would be moved to January 16, 2018;
- The current November 8 deadline for expert depositions would be extended to February 8, 2018;
- and the deadline for letter requests for summary judgment would be moved from November 22, 2017, to February 22, 2018.

Thank you for your consideration of this letter.

Dated: 8/3/2018

Respectfully Submitted,

/s/

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cc: All Counsel via ECF